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AUG 22 2008  
AUG 22 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
219 South Dearborn Street  
Chicago, Illinois 60604

DUANE R. OLSON,  
Applicant/Prisoner,

CIVIL CASE NO: 08CV3505

LEINENWEBER/COX

Versus

THE UNITED STATES OF AMERICA,  
Respondent/Defendant. /

A NOTICE OF APPEAL

NOW COMES, DUANE R. OLSON, (hereafter-Olson), to file this  
NOTICE OF APPEAL from the District Court's "STATEMENT" of August  
5, 2008.

Statement of the Case:

On May 7, 1008, (3-months ago) Olson filed An Application  
For Writ of Habeas Corpus Relief, Pursuant to the Provisions  
of Title 28 U.S.C. § 2241(c)(3)., In United States District  
Court For the Southern District of Florida, Miami Division.

On May 15, 2008, Magistrate WHITE "recommended that this  
case be transferred to the United States District Court" in  
Chicago "to determine whether this petition is successive, time  
barred or subject to any other procedural bar", NOT for the  
Court to determine if Olson's claim of innocence had merit, but  
"to determine any other procedural bar".

On June 4, 2008, District Court Judge ALAN S. GOLD, ISSUED an ORDER Adopting the Magistrate's R & R Transferring Olson's Application for Habeas Corpus Relief "to the Northern District of Illinois".

On July 14, 2008, Olson filed A Motion to Move the Court for a Status Report.

On August 5, 2008, Olson filed A Motion To Move The Court To ACT and A DEMAND For The Production Of Jurisdiction in Personam.

On August 13, 2008, nearly 60-days after the Court received Olson's Application for Writ of Habeas Corpus Relief with an Instant Liberty Issue, Olson received an Un-Signed "STATEMENT" issued by "someone" Stating Olson's 28 U.S.C. § 2241., "fits within the ambit of a motion to vacate sentence pursuant to 28 U.S.C. § 2255".

Editorial:

Assuming one of the minions of the court authored the Court's "STATEMENT" of 300-words tracking Olson's filings with the Court over the past 18-years, had the Court "searched" for its Own jurisdiction 18-years ago, Olson wouldn't be in prison.

The Court's "STATEMENT" treats Olson like he was an "ENEMY COMBATANT" or a Terrorist rather than an American Citizen trying to find the elusive 'justice for all' and completely ignores Olson's claim of 'actual and factual innocence' as well as the Supreme Law of the Land cited in Olson's Original Writ, if in fact, anyone even read Olson's Application.

It is one thing for a district court to Operate a § 2255., in a fashion to "cover-up" the Court's violations of Constitution Law and the Defendant's Civil Rights YESTERDAY...

But its quite another thing for magistrates, judges, prosecutors and district court minions to Combine, Conspire, and have tacit agreement to Operate a § 2255., as a tool to violate Constitution Law and the People's Civil Rights TOMORROW!

The Actors and Players of the courtroom scene enjoy judicial and prosecutorial immunity from monetary damages for the court's actions YESTERDAY...

But there IS NO immunity for those Actors and Players from Criminal Indictments to violate the People's Constitution and Civil Rights under color of law...TOMORROW!

The ISSUES Presented to this Court in Olson's Original Application for habeas relief, far and away exceed the release of one old man from federal prison, it Challenges and then proves "beyond a reasonable doubt" that the prima facia statute, § 841., of Title 21, OPERATED by the Executive and Judicial Branches as "prima facia law" to Conduct America's "WAR on DRUGS", IS NO LAW AT ALL! (See attached TREATISE)

To this end, Olson will file FORMAL COMPLAINTS with the House and Senate Committee on the Judiciary as well as Appeal this Court's "STATEMENT" which is nothing more than an arrogant "NOTICE" that the Executive and Judicial Branches of the Government of the United States Intend to continue its Moralistic "WAR on DRUGS" under color of FRAUD!

THEREFORE . . .

Olson serves this "NOTICE OF APPEAL" for the following Question(s) to be Reviewed by the Seventh Circuit Court of Appeals:

QUESTION FOR REVIEW

WHETHER THE DISTRICT COURT ABUSED ITS POWER TO DISMISS A LEGITIMATE § 2241(c)(3)., APPLICATION FOR HABEAS CORPUS RELIEF WITH AN "actual and factual innocent" ISSUE BY 'BASTARDIZING' THE CONGRESSIONALLY ENACTED § 2255., INTENDED "[t]o minimize the difficulties encountered in habeas corpus hearings by affording the 'same rights' in another and more convenient forum", TO OPERATE AS A "Deprivation of rights under color of law" AND 'PROCEDURALLY-BAR' THE APPLICANT FROM HIS CONSTITUTIONAL "privilege of the Writ of Habeas Corpus", PERPETUALLY PROTECTED AND SECURED BY ARTICLE I., SECTION 9., CLAUSE 2., OF THE CONSTITUTION FOR THE UNITED STATES?

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QUESTION FOR REVIEW

WHETHER THE CONSTITUTION FOR THE UNITED STATES CONFER'S LEGISLATIVE JURISDICTION FOR THE NINETY-FIRST CONGRESS TO ENACT LEGISLATION (21 U.S.C. § 885) THAT WOULD "take-away" THE PEOPLE'S FIFTH AMENDMENT 'rights' OF "[d]ue process of law" AND "[a]gainst self-incrimination" AND THE PEOPLE'S SIXTH AMENDMENT 'right', "[t]o be informed of the nature and cause of the accusation"?

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QUESTION FOR REVIEW

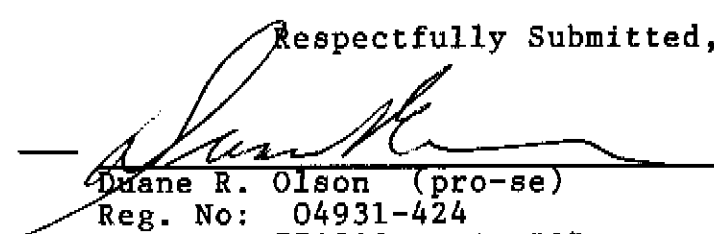
WHETHER OR NOT THE "[n]ecessary and proper" CLAUSE CONFER'S LEGISLATIVE-JURISDICTION FOR THE NINETY-FIRST CONGRESS TO ENACT A PENAL STATUTE [21 U.S.C. § 841(b)] UTILIZED BY THE EXECUTIVE AND JUDICIAL BRANCHES TO PUNISH ANY PERSON NOT REGULATED AND UNDER SIGNED CONTRACT WITH THE ATTORNEY GENERAL FOR FEDERAL JURISDICTION TO BE FEDERALLY REGULATED IN THE CLOSED COMMERCIAL SYSTEM OF "CONTROLLED SUBSTANCES" FOR A "violation of subsection (a)"?

QUESTION FOR REVIEW

WHETHER OR NOT OLSON IS "actually and factually innocent" OF THE 324-MONTH SENTENCE IMPOSED BY THE COURT UNDER STATUTE(S) [§ 841(b) AND § 841(a)(1)] THAT BY THEIR VERY OWN TERMS, DO NOT EVEN APPLY TO OLSON?

Respectfully Submitted,

Applicant/Prisoner

  
Duane R. Olson (pro-se)  
Reg. No: 04931-424  
P.O. Box 779800 Unit "C"  
Federal Correctional Institution  
Miami, Florida 33177-0200

CERTIFICATE OF SERVICE

I, DUANE R. OLSON, hereby Swear that a TRUE and CORRECT Copy of the foregoing NOTICE OF APPEAL was mailed, First-Class, to Asst. U.S. Attorney, Mr. ERIK A. HOGSTROM, 219, South Dearborn Street, Chicago, Illinois, 60604, on this 15 day of August, 2008.

  
Duane R. Olson (pro-se)